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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,025	11/20/2003	Tomohiro Oshiyama	KOT-0085	8793

7590

11/30/2005

CANTOR COLBURN LLP
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Bloomfield, CT 06002

EXAMINER

THOMPSON, CAMIE S

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,025

Applicant(s)

OSHIYAMA ET AL.

Examiner

Camie S. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-35 is/are allowed.
- 6) ☒ Claim(s) 1-21 and 36-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 22 is objected to because of the following informalities:

Insert the term “element” after the term “electroluminescent”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rendered indefinite because n cannot be 3 or 4 for formula (a) – (g). Additionally, n cannot be 2 or 3 for formulas (h) –(k). Formulae (a) –(g) comprise only two linkage sites.

Formulae (h) – (k) comprise four linkage sites.

Claim 8 is rendered indefinite because n cannot be 3 or 4 for formulae (m) – (n). Formulae (m) – (n) only have two linkage sites.

Claim 45 is rendered indefinite because it is unclear as to whether or not the claim is independent or dependent.

Claim Rejections - 35 USC § 102

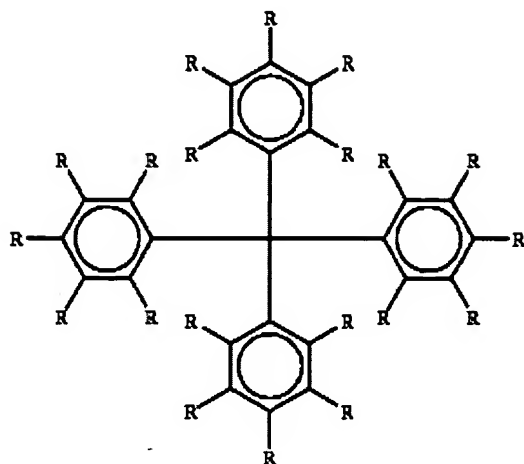
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 15-21 and 36-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Thoms et al., U.S. Pre Grant Publication 2003/0205696.

Thoms discloses a guest-host system suitable for organic light emitting devices. Additionally, the reference discloses a typical organic light-emitting device comprising one or more layers of emissive material between an anode and a cathode (see paragraphs 0001-0004). The reference discloses a host material such as



wherein at least two R are carbazole or substituted carbazole (see paragraphs 0061-0062). The reference reads on the instant claims and formulae HC8, H4 and K of the present invention. Additionally, the reference discloses a suitable guest may be a phosphorescent emitter having a wavelength shorter than about 500 nm, having a lower first excited triplet state higher than the host compound (paragraph 0062). Paragraph 0058 discloses an exciton blocking layer comprising bathocuproine. Paragraph 0047 of the reference discloses that Irppy₃ can be used as the phosphorescent emitter.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

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USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1 and 6-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 4 and 10-12 of copending Application No. 10/718,360. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite an organic electroluminescent element comprising a component layer including a light emission layer, wherein the light emission layer contains a phosphorescent compound, and the component layer contains a compound represented by



Wherein A represents a substituted or unsubstituted aromatic ring residue; n is a natural number from 3-4 and Z represents a



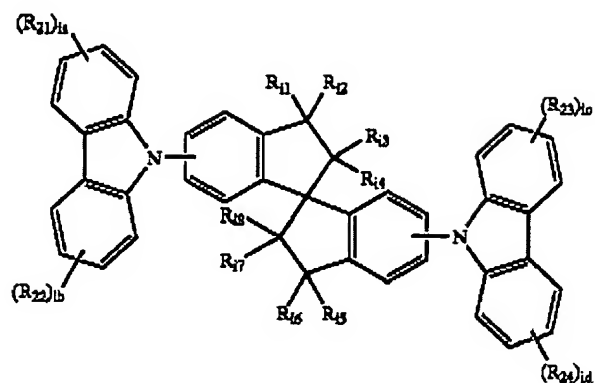
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wherein L represents a divalent linkage group such as benzene and C_z represents a substituted or unsubstituted carbazole residue. Additionally, both reference recite a iridium complex as the phosphorescent compound. The co-pending application does not disclose the residues for (A) – {generic} as recited in the present application for (X₁). However, the residues of the present application for X₁ are substituted aromatic ring residues (formulae (a)-(c)). Therefore, it would have been obvious to one of ordinary skill in the art that the substituted aromatic ring residues of the present invention are encompassed by the co-pending invention because the aromatic ring residues of the co-pending application is generic to the specific aromatic ring residues (formulae (a) – (c)) of the present invention.

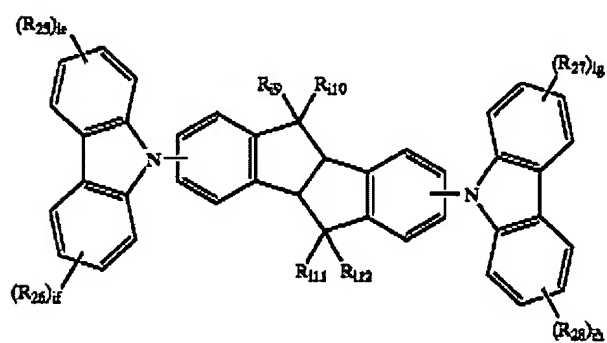
This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 22-35 are allowed. The prior art does not provide for an organic electroluminescent element comprising an anode, a cathode and a component layer including a light emission layer, the component layer being provided between the anode and the cathode, wherein the component layer contains a compound represent by formulae I1, I2, I3, J1 or J2

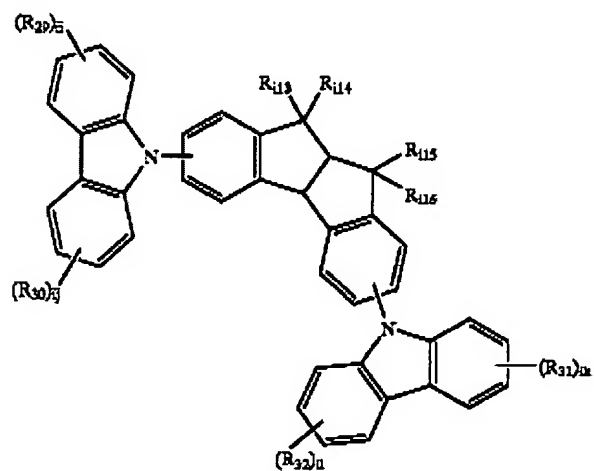
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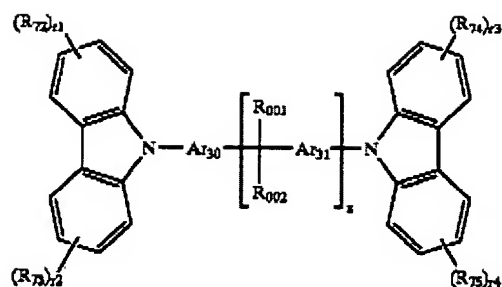
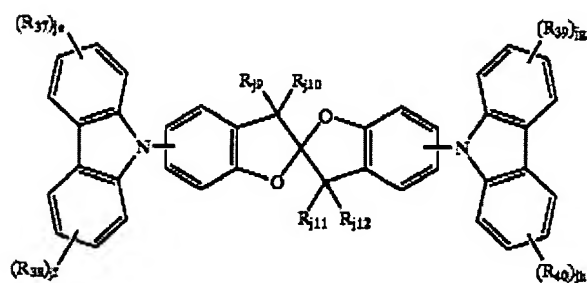
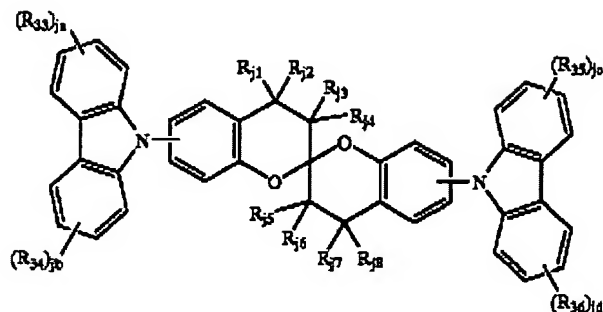
[0066] Formula I2



[0067] Formula I3



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wherein R_{11-116} independently represent a hydrogen atom, an alkyl group, a cycloalkyl group, an aralkyl group, an alkoxy group or a halogen atom; R_{21-32} independently represent a hydrogen atom, a substituted or unsubstituted alkyl group, a substituted or unsubstituted cycloalkyl group, a substituted or unsubstituted aralkyl group, a substituted or unsubstituted aryl group, a substituted or unsubstituted alkoxy group, a substituted or unsubstituted aryloxy group, a cyano group, a hydroxyl group, a substituted or unsubstituted alkenyl group, or a halogen atom; and i and j independently represent an integer of from 1 to 4; R_{11-112} independently represents a hydrogen atom, an alkyl group, a cycloalkyl group, an aralkyl group, an alkoxy group or a halogen atom; R_{33-40} independently represent a hydrogen atom, a substituted or unsubstituted alkyl group, a substituted or unsubstituted cycloalkyl group, a substituted or unsubstituted aryl group, a

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substituted or unsubstituted aralkyl group, a substituted or unsubstituted alkoxy group, a substituted or unsubstituted aryloxy group, a cyano group, a hydroxyl group, a substituted or unsubstituted alkenyl group, or halogen atom; and ja-jh independently represent an integer of from 1 to 4.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L Dye, can be reached at (571) 272-3186. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RENA DYE
SUPERVISORY PATENT EXAMINER

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11/28/05